

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOSEPH G. MCDONOUGH,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 16-203-LPS
v.	)	
	)	
DEBORAH A. GORMAN, BE POSITIVE	)	
WORKS, LLC, and B+ FOUNDATION, INC.,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER TO TRANSFER**

WHEREAS on March 30, 2016, Plaintiff Joseph G. McDonough filed a Complaint in this Court against Defendants Deborah A. Gorman, Be Positive Works LLC, and B+ Foundation, Inc. (collectively, “Defendants”) alleging trademark infringement and unfair competition under the Lanham Act and Delaware statutory and common law (D.I. 1);

WHEREAS on September 21, 2016, Defendants filed a Motion to Dismiss or Transfer the case to the Southern District of New York, contending that this Court lacked personal jurisdiction over Defendants pursuant to Federal Rule of Civil Procedure 12(b)(2), or, in the alternative, that the case should be transferred to the Southern District of New York pursuant to 28 U.S.C., 1404(a) (D.I. 10);

WHEREAS, on August 16, 2017, this Court granted Defendants’ Motion to Dismiss or Transfer on the grounds that it lacked personal jurisdiction over Defendants, and that the totality of circumstances favored transfer of this action to the Southern District of New York as a more convenient forum for this litigation, and ordered the Parties to meet and confer and submit a proposed order implementing the Court’s decision (D.I. 19);

WHEREAS, the Parties have since been engaged in settlement discussions but have not reached mutually agreeable terms;

WHEREAS, the Parties agree this action should be transferred to the Southern District of New York;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for Plaintiff and Defendants, subject to the approval of the Court, that the above-captioned action shall be transferred to the Southern District of New York.

POTTER ANDERSON & CORROON LLP

PINCKNEY, WEIDINGER, URBAN & JOYCE, LLC

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Dated: December 21, 2017  
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*Attorneys for Defendants*

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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The Honorable Leonard P. Stark  
Chief Judge, United States District Court